

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A22-0527**

State of Minnesota,  
Respondent,

vs.

Roosevelt Bartu Jr.,  
Appellant.

**Filed April 3, 2023  
Affirmed  
Ross, Judge**

Hennepin County District Court  
File No. 27-CR-20-17723

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Peter R. Marker, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Peter H. Dahlquist, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Gaïtas, Judge; and Wheelock, Judge.

**NONPRECEDENTIAL OPINION**

**ROSS, Judge**

Roosevelt Bartu faced trial on charges of first-degree aggravated robbery and third-degree assault after he and his companions attacked a passerby in downtown Minneapolis and stole his case of beer and groceries. The prosecutor removed a potential juror, who was

a black woman, using a peremptory strike during jury selection. The district court allowed the juror's removal over Bartu's allegation that the prosecutor was seeking to remove her because of her race, deeming the prosecutor's proffered removal reason—the juror's statement expressing a religious-based reluctance to pass judgment on others—sufficiently race-neutral. Challenging his robbery conviction, Bartu argues on appeal that allowing the juror's removal violated his constitutional rights. We hold that the district court did not clearly err by finding that Bartu failed to establish that the prosecutor's race-neutral reason for removing the juror was a pretext for racial discrimination. And we conclude that the assertions in Bartu's supplemental brief are either unsupported by argument or premature. We therefore affirm.

## **FACTS**

The state alleged that a police officer monitoring downtown Minneapolis through surveillance cameras saw a robbery in progress and that officers identified appellant Roosevelt Bartu as one of the robbers. The surveillance videos (as evident in the recordings and as explained by the victim at Bartu's trial) depict a man walking with bags of groceries and a case of beer and then being followed by Bartu, who nabs a can of beer. The man confronts Bartu, who then opens the can and pours out its contents. The man walks away from Bartu, but Bartu follows him again, overtakes him, and begins throwing punches at him. Then others, who appear to be Bartu's companions and acting in concert with him, punch the man, strip off his coat and shirt, throw him to the sidewalk, and kick him in the head. While some beat the man, Bartu and others carry away the case of beer and some of

the groceries, leaving the man shirtless on the ground, dazed. One video shows the man rise, unsteady, and he stumbles toward a wall.

The state charged Bartu with first-degree aggravated robbery and third-degree assault. During *voir dire* for jury selection, the prosecutor asked the potential jurors whether any of them had “a religious or cultural belief that makes it difficult to participate in this process and render a verdict in this case.” One prospective juror (Juror 4) responded, “In my religion we’re not supposed to judge anybody, we just say that God is the one who judge[s] somebody. . . . I cannot sit and judge somebody.” Although Juror 4’s answer to a different question represented that she would be comfortable serving as a juror, the prosecutor asked follow-up questions. Answering whether her religion would allow her to render a verdict, the woman said, “I’ll go and talk to my pastor and see what they say. Is that allowed?”

The prosecutor unsuccessfully asked the district court to remove Juror 4, a black woman, for cause. He then used one of the state’s peremptory strikes to remove her from selection. Bartu, who is also black, accused the prosecutor of striking Juror 4 because of her race, violating his constitutional right to equal protection under *Batson v. Kentucky*, 476 U.S. 79 (1986). The district court found that Bartu had asserted a *prima facie* case of discrimination, observing that Juror 4 was the only black juror. But it also found that the state had responded with a race-neutral, nonpretextual justification for the removal—specifically, the juror’s religion-based reluctance to judge another person.

The case proceeded to trial, and the jury found Bartu guilty of first-degree aggravated robbery. The district court entered judgment of conviction and sentenced Bartu to 41 months in prison.

Bartu appeals.

## DECISION

Bartu argues that the district court failed to follow a proper *Batson* burden-shifting procedure and that the court clearly erred when it decided that the state's race-neutral reason for removing Juror 4 was not a pretext for racial discrimination. Bartu also raises five arguments in a supplemental brief. None of the arguments supports reversing.

Bartu argues that the district court failed to follow established procedure when it rejected his *Batson* challenge. When addressing a *Batson* challenge, the district court should first consider whether the party opposing the other's use of the peremptory strike has met its burden of proving a *prima facie* case, then consider whether the party exercising the strike has met its burden of producing a race-neutral explanation, and, if each party has met its preliminary burden, consider finally whether the challenging party has met its ultimate burden of proving that the purportedly race-neutral explanation is merely a pretext for purposeful discrimination. *State v. Greenleaf*, 591 N.W.2d 488, 500 (Minn. 1999). Bartu accurately observes that the district court failed to specifically determine whether the state provided a race-neutral reason for striking Juror 4 before it inquired into whether the state's rationale was a pretext for discrimination. Bartu does not contend that this alleged procedural error supports reversal, and in fact he "concedes that the reason articulated by the State is race-neutral." Because Bartu does not ask for a remedy for the district court's

purported error in failing to complete the second burden-shifting step before moving to the third and he concedes that the district court correctly decided the issue, we need not consider the alleged error further.

The thrust of Bartu's appeal is his contention that the district court improperly concluded that he failed to prove that the prosecutor's race-neutral explanation for removing Juror 4 was merely a pretext for purposeful, racial discrimination. We will afford the district court's finding of the prosecutor's intent considerable deference. *Batson*, 476 U.S. at 93. We therefore review the finding only for clear error. *State v. Pendleton*, 725 N.W.2d 717, 724 (Minn. 2007). Bartu identifies no circumstance persuasively suggesting that the district court's finding is clearly erroneous.

Bartu forwards four theories to support his contention that the prosecutor's true reason for removing Juror 4 was her race: the prosecutor questioned Juror 4 more than the others; the prosecutor targeted Juror 4 with his religious question to potential jurors because he noticed that she was wearing a headscarf; the prosecutor misled Juror 4 to refer to her religious beliefs by emphasizing the jury's judgment role in his inquiry; and the prosecutor mischaracterized Juror 4's hesitation to judge another's conduct. We observe that Bartu made these same basic arguments, unsuccessfully, to the district court. The district court believed the prosecutor in the face of Bartu's proffered reasons why the district court might deem the prosecutor not credible. Our deference to the district court's credibility assessment in its role as fact-finder leads us to reject Bartu's contentions on appeal.

We add that Bartu's rationale is also objectively unconvincing. That the prosecutor questioned Juror 4 more than the others is not surprising, and indeed is expected, given that

she was the only juror who cited religious grounds and said that she could not “sit and judge somebody.” Her statement would lead any careful prosecutor to explore her implied reluctance to determine whether the defendant was guilty. The district court did not find, and we have no reason to speculate, that the prosecutor targeted Juror 4 with a religious question because he noticed that she wore a headscarf. The question of whether any juror’s religious or cultural belief would affect her ability to determine guilt is the sort of question a lawyer commonly asks potential jurors to reveal either personal prejudices or moral convictions that could reveal that a juror might be unsuitable to make unbiased factual judgments or decide the ultimate question of guilt. For the same reason, we are not persuaded by Bartu’s claim that the prosecutor misled Juror 4 to refer to her religious beliefs by discussing the principle of judgment in *voir dire*.

Finally, we likewise are unpersuaded by Bartu’s claim that the prosecutor mischaracterized Juror 4’s hesitation to serve. Bartu argues that the state mischaracterized Juror 4’s statement about her talking to her pastor to “see what they say” by falsely claiming that the juror needed to consult her pastor to determine “if she ‘can do the job we are asking her to do.’” Having reviewed the exchanges between the potential juror and both the district court and counsel in context, we see no mischaracterization. Although Juror 4 said she could render a verdict based on the evidence, she had previously said that her religion prevented her from sitting in judgment. Given her potentially conflicting statements, the prosecutor asked the seemingly confirmatory, follow-up question, “And your religion will allow you to do that?” Her answer can fairly be characterized as expressing her need to consult with her pastor specifically to determine whether her religion would allow her to

find facts and render a verdict; in context, her response can be interpreted to mean that she could not, without permission from her pastor, complete the fact-finding and verdict-rendering job that her duty as a juror required of her. We see no mischaracterization.

We hold that the district court did not clearly err by concluding that the prosecutor's proffered reason for exercising the peremptory strike was not pretext for racial discrimination.

Bartu's supplemental brief suggests five additional issues, but none merit our consideration. We generally do not address issues not sufficiently briefed with argument or authority. *State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015). Four of Bartu's assertions fit this category: that the investigator questioned him without reading the *Miranda* warning; that the district court violated his right to a speedy trial; that the state offered insufficient evidence to support his robbery conviction; and that the district court erroneously allowed the charge "without a corpus delicti." We will not address these undeveloped assertions. Bartu also maintains that he was provided ineffective assistance of counsel. Claims of ineffective assistance of counsel are generally best presented during a postconviction petition for relief, allowing for a more developed record, rather than on direct appeal. *State v. Gustafson*, 610 N.W.2d 314, 321 (Minn. 2000). We choose not to address Bartu's thinly briefed ineffective-assistance-of-counsel assertion on the merits, affording Bartu the opportunity to raise and properly develop facts regarding that assertion in a postconviction proceeding, if he chooses.

**Affirmed.**